IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6942 of 2007
With
SPECIAL CIVIL APPLICATION No. 11875 of 2007
With
SPECIAL CIVIL APPLICATION No. 12339 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

PATEL PRAHLADBHAI MADHAVDAS - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

==========

Appearance :
MR RAXIT J DHOLAKIA and MR AK THAKUR for Petitioner(s) : 1,
MR NEERAJ SONI, AGP for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 2 - 4.
MR HS MUNSHAW for Respondent(s) : 3,

==========

CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 11/05/2007

ORAL COMMON JUDGMENT

Rule. Mr. Neeraj Soni, Ld. AGP waives service of rule on behalf of respondents no. 1 and 2 and Mr. HS Munshaw, learned advocate for respondent no. 3.

Since all these petitions involve common facts and controversial issue, they are heard together and now they are being disposed of by this common judgment.

The grievance of the petitioners is that though the respondent – Talati-cum-Mantri of the concerned village is authorized to effect correction in the birth certificate, he is refusing to do so on the ground that he does not have power for correction.

I have heard Mr. RJ Dholakia and Mr. Thakur, learned advocates for the petitioners and Mr. Neeraj Soni, Ld. AGP. The learned advocates for the petitioners have furnished copy of the notification dated 1st April, 1970 issued by the Panchayats and Health Department, whereby power is exercised under section 7 of the Registration of Births and Deaths Act and the different authorities mentioned therein have been appointed as Registrars for local area for the purpose of the Act. Item no. 1 in the schedule states as under :-

> "1. Each Talati-cum-Village Panchayat Secretary of the Gram Panchayat for the local area comprising the area within the jurisdiction of the respective Gram Panchayat."

Therefore, it is obvious that respondent – Talati-cum-Mantri is empowered to act as a Registrar under the Act and to make necessary correction in the birth record. Hence, the petitioners are directed to make necessary application to the

concerned Talati-cum-Mantri for correction of their birth records within a month from the date of this order along with the necessary documents and upon receiving such application, the Talati shall take appropriate decision in accordance with law and on the basis of the documents that may have been produced before him, within a month thereafter. Decision shall be intimated to the petitioners within 15 days from the date of the decision.

With aforesaid directions, the petitions stand disposed of. D S P.

[Akshay H Mehta, J.]

* Pansala.